

AIRPORTS QUARTERLY

Issue 31

Federal Aviation Administration

June 2000

AIP NEWS

The FAA reauthorization bill, signed by President Clinton on April 5, 2000, is multi-year and greatly increases authorized funding for airport development. It authorizes \$2.475 billion for fiscal year (FY) 2000, \$3.2 billion for FY-2001, \$3.3 billion for 2002 and \$3.4 for 2003. However, the 2000 Appropriation Act limits this fiscal year to \$1.95 billion, which equals last year's program.

The Act has many conditions and includes set-aside provisions that take effect only if appropriated at \$3.2 billion or more. These include doubling enplanement apportionments and establishing apportionments for individual general aviation and non-primary commercial airports.

The reauthorization act is long and quite complex so it will take a while to sort it all out. Please get in touch with your Airports Development Office if you have specific questions.

Southwest Region is planning to issue approximately \$200M in AIP grants in fiscal year 2000 (Oct 1 – Sep 30). This total should break out to approximately \$115M in entitlements/apportionments and \$85M in discretionary.

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COMPETITION PLANS

The Aviation Investment & Reform Act for the 21st Century (AIR-21) created the requirement for large and medium hub airports (those with at least .25 percent of national enplanements) with one or two

airlines enplaning more than 50 percent of the passengers to submit competition plans. Affected airports were sent a letter from FAA dated May 10, 2000.

FAA must receive the plan in time to complete a sufficiency review. The review must be complete before airports can continue collecting PFC revenues in federal fiscal year 2001 or beyond (effective October 1, 2000) on applications approved after April 5, 2000, or before an airport can receive an AIP grant in federal fiscal year 2001 or beyond. Since FAA sufficiency reviews may take up to 60 days, it would be prudent for an affected airport to submit the competition plan no later than July 31, 2000.

Electronic Mailing List

Southwest Region is compiling a list of electronic mailing addresses so information such as this newsletter, Cert Alerts, conference information, and other time sensitive information can be quickly distributed. Please contact your program manager with your updated mailing list to ensure you don't miss any important news!

PFC REGULATION CHANGES

On May 23, the FAA issued a final rule incorporating statutory changes to the Passenger Facility Charge (PFC) program into the PFC regulation (14 CFR Part 158). The rule was published in the Federal Register on May 30. These statutory changes stem chiefly from the "Wendell H. Ford Aviation Investment and Reform Act of the 21st Century" (AIR 21), but also include provisions of the 1994 and 1996 FAA reauthorization acts and the recodification of the Federal Aviation Act of 1958.

With the issuance of the rule, airport public agencies may begin the process of applying for authority to raise PFC collection levels to \$4 and \$4.50 per enplaned passenger at their airports. Prior to AIR 21, the maximum allowed PFC level was \$3. Public agencies may apply for new PFC authority at the \$4 or \$4.50 levels with new applications, or may seek to amend existing PFC authority through amendments under FAR Part 158.37(b) of the regulation--the so-called "Type B" amendment process.

In order to qualify for the higher PFC levels under either a new PFC application or a Type B amendment, projects must meet the following conditions specified by statute and incorporated into the new FAR Part 158.17 and 158.19 of the PFC regulation:

Projects at small airports (those categorized as small hub or smaller) that are PFC eligible can qualify for the extra \$1 or \$1.50 PFC levels if:

- The project costs requested at these levels cannot be paid for from funds reasonably expected to be available through the Airport Improvement Program (AIP); and
- In the case of a ground access or terminal project, the public agency has made adequate provision for financing the airside needs of the airport, including runways, taxiways, aprons, and aircraft gates.
- The FAA has determined that it can make these required findings through analysis of financial and planning data currently available to it, although public agencies should assure that these data are complete in their PFC applications.

Projects at medium and large hub airports can qualify for the extra \$1 or \$1.50 PFC level if:

- The project meets the PFC requirements that apply to small airports; and
- The project makes a "significant contribution" to improving air safety and security, increasing

competition among air carriers, reducing current or anticipated congestion, or reducing the impact of aviation noise on people living near the airport.

- Finally, if more than 50 percent of the enplanements at a large or medium hub airport are accounted for by one or two carriers, the airport must have submitted a competition plan (FAA Program Guidance Letter 00-3, issued on May 8, 2000, contains guidance for submission of competition plans)

Please contact your ADO Program Manager for assistance with PFC applications or amendments in excess of \$3.

Use Vehicle Roadway/Prevent Runway Incursion

In 1999 there were 289 unauthorized vehicle movements on the movement area. That's a possibility of 289 accidents. If there is a vehicle roadway, use it. If there is no vehicle roadway, look into the possibility of building one. Of course emergency situations are exempt but vehicles responding to emergencies do not cause most runway incursions. For example:

- Ground control instructed a fuel truck to hold short of the runway. The truck's read back was garbled. The fuel truck proceeded across the runway.
- An airport vehicle crossed the runway without approval conflicting with a departing jet.
- An airport vehicle was instructed to hold short of the runway but entered the runway causing a departing aircraft to abort takeoff roll.
- An airport vehicle misunderstood instructions by ground control and entered the runway conflicting with traffic landing.
- County vehicles crossed the runway without approval. Departing traffic was airborne and flew over the vehicles as they crossed.

These are typical of the 289 incidents. None of the above situations was an emergency that required these vehicles to cross the runway. The mission at the time may have seemed urgent but had the vehicle caused an accident how important would it have been? Keep in mind, every unnecessary runway crossing increases the possibility of an accident.

Public Safety Personnel Operating in the Movement Area

Prevention of runway incursions is a top safety priority of the Federal Aviation Administration. During a 62 day period, nationally, there were nine occurrences of public safety vehicles entering airport movement areas without authorization from the Airport Traffic Control Tower.

Police and other public safety personnel in the normal pursuit of their duties may have cause to enter and operate on airport movement areas (areas where aircraft taxi, takeoff, and land). While emergency vehicles operating on roadways have priority and right-of-way, this is not the case on airport movement areas. In movement areas, aircraft have priority and must be given right-of-way at all times.

To ensure the safety of the traveling public and public safety personnel, positive control of all aircraft and ground vehicles in movement areas must be maintained at all times. Public safety personnel that operate on airports should be informed that:

- Assume aircraft always have the right-of-way.
- ANY vehicle, performing ANY mission on the movement area must be in contact with, and under the control of the Airport Traffic Control Tower. At airports without an Airport Traffic Control Tower, or when the tower is closed, vehicles must monitor and announce position and intentions over the Common Traffic Advisory Frequency (CTAF).
- Even if the pilot sees the emergency vehicle, the speed and movement of the aircraft could make yielding impossible or create a very dangerous situation. The large size of most aircraft used for commercial transportation limits the pilot's ability to maneuver quickly on the ground, and propellers and jet engines can cause significant damage, or even destroy a ground vehicle. Aircraft speeds, (up to 150 miles per hour on runways) and restricted cockpit visibility that prohibits the pilot from seeing under the nose or behind the aircraft also limits the ability of a pilot to avoid ground vehicles.

Airport operators are asked to provide the above information to their public safety departments that service their airports, including those that have entered into a mutual aid agreement with the airport. In addition, airport operators should distribute this

information to all public safety departments whose jurisdiction includes or is adjacent to the airport.



AIRSHOW WAIVER PROCESS

If your airport is planning an airshow, you must submit a completed FAA Form 7711-1 (Certificate of Waiver or Authorization) to your local Flight Standards District Office for approval and issuance. Effective May 1, 1999, FAA Flight Standards will not issue FAA Form 7711-1 (Certificate of Waiver or Authorization), for airports certificated under 14 CFR, Part 139 until the Regional Airports Division has reviewed and concurred with the airshow event ground operations plan. This additional coordination is to ensure the safety of all airport users during special events.†

Runway Incursions by Region

	OE	PD	V/ P D	Total
AAL	0	1	1	2
ACE	4	9	3	16
AEA	12	14	6	32
AGL	17	27	12	56
ANE	4	7	4	15
ANM	7	15	2	24
ASO	15	37	10	62
ASW	4	20	8	32
AWP	18	53	12	83

KEY :

OE = Operational Error

PD = Pilot Deviation

V/PD = Vehicle / Pedestrian

Suggested Initiatives to Help Prevent Runway Incursions

Runway incursion prevention is something that we all have been working toward, and need to keep in the

forefront. A runway incursion is any occurrence at an airport involving vehicle, person, or object on the ground that creates a collision hazard or results in loss of separation with an aircraft taking off, intending to take off, landing, or intending to land. Here are some suggested actions that airport operators can take to help prevent incursions:

- *Conduct a special emphasis inspection of physical facilities such as markings, lighting, and signs. Identify markings that need to be repainted, lights that need to be repaired, and misleading or missing lights.*
- Identify types of vehicles crossing runways and determine if there is some other option available.
- Review the airport's driver training program and make modifications as necessary.
- Revalidate types of tenant employees to see if they really need driving privileges, e.g., does a ticket seller need to have driving privileges.
- Have employees, tenants, and contractors attend a refresher driver training class.
- Handout airport diagrams showing movement vs. non-movement areas, hotspots, etc.
- In conjunction with the Air Traffic Control Tower, conduct seminars on radio communications for vehicle operators.
- In conjunction with airport security, determine causes of Vehicle/Pedestrian Deviations involving people NOT authorized to be on the Airport/Movement Area. ‡

Personnel News:

- ***Linda Stoltz***, Program Manager in the Texas Airports Development Office, retired in June 2000.
- ***Faye Meeks***, Airports Division Compliance Officer, left the FAA in May 2000 to open an office in Little Rock for Housing and Urban Development's Office of the Inspector General. ‡‡

ENVIRONMENTAL CONFERENCE

The Southwest Region Airports Division is holding an Environmental Conference at the Holiday Inn North, Fort Worth, Texas, October 24 and 25.

Registration information will be mailed around August 2000 and posted on the Airports Division Webpage at

<http://www.faa.gov/asw/asw600/conference.html> The agenda will address such topics as NEPA, air quality, the new Section 106 Historic Preservation requirements, public involvement, environmental due diligence, compatible landuse, wetlands, environmental justice, wildlife hazards, Part 150's, Part 161's, and environmental requirements specific to the Air Traffic Division and Flight Procedures Office. If you have any questions about the agenda, contact Mr. Dean McMath at (817) 222-5617.

Compliance Self-Certification Program Update

In FY-2000, the Southwest Region initiated a sponsor compliance self-certification program. Approximately 25% of the obligated airports in the Southwest Region received an Airport Compliance Surveillance Program Sponsor Self-Certification Report form either from the FAA or the states of Texas or Oklahoma. All airports will be surveyed at least once every four years. Ms. Naomi Saunders, Manager of the Airports Division, states, "This is an important part of our compliance activities because it requires local officials to be more aware of airport operations." A duly authorized official of the airport must certify that he or she has read and understands the material and that the airport is being operated in accordance with all obligations. The airport official is required to provide an explanation of the procedures or actions in effect at the airport that assure the airport is operated in accordance with the applicable assurance and obligations.

Most of the airports contacted earlier this year responded by providing a completed self-certification. "With AIR-21 funding, it is very important for sponsors to comply with this requirement," stated Ms. Saunders. "Compliance is a key factor considered by FAA when making funding decisions."

In the fall, more airports will receive a letter and self-certification form. Sponsors are encouraged to complete and return the form as soon as possible.

PFC CONSULTATION

Public Agencies should be aware that Passenger Facility Charge (PFC) consultation meetings involving a \$4.00 to \$4.50 PFC charge level must give special attention to the proposed charge effective date. This is because a substantial amount of work is needed to modify airline ticketing programs and computer reservation systems to accommodate the less than whole dollar amounts associated with this new level. If you have questions or concerns, please contact your Airports ADO Program Manager for details.

GRANT CLOSE OUTS

A performance measure we set each fiscal year is to close old grants. If you have a FY 1996 or older grant, please work with your ADO Program Manager to get it physically, financially, and administratively closed.

GRANT PAYMENT REQUESTS

FAA has been criticized for allowing some AIP funds in open grants to sit idle during a time when there is a high demand for project funding. In response, we are requiring payment requests against all open AIP grants on a regular basis. If you have an open grant you should have received a letter on this recently.

Specifically, this means that each AIP grantee must submit grant payment requests or draw downs for project accomplishments every 30 days. The 30-day requirement can be waived when the accomplishments are not significant enough to warrant a grant payment, i.e., less than \$10,000. However, a payment request or a draw down will be required within 30 days after the end of each federal fiscal year (Oct 1 – Sep 30) to cover all accrued grant costs from the prior fiscal year that have not been reimbursed. This will give an accounting of the yearend status of each project.

We appreciate your cooperation with this initiative to promote better stewardship of limited AIP funds.

Proposed Changes to FAR 139 includes Airports with 10-30 Passenger Seat Service

On June 21, 2000, the Federal Aviation Administration issued a Notice of Proposed Rulemaking (NPRM) in the Federal Register to revise 14 CFR part 139. This is Docket No. FAA-2000-7479; Notice No. 00-05, Certification of Airports”, and is available electronically at <http://www.access.gpo.gov/nara>.

This proposal would revise the current regulation to include certificating airports conducting scheduled air carriers operations with aircraft having between 10 to 30 passenger seats. In addition, changes are proposed to address recommendations made by the National Transportation Safety Board (NTSB), modifying the regulation to meet current technology and industry practices, and petitions for exemptions and rulemaking.

Those interested are invited to participate in the rulemaking by submitting data, views or arguments as deemed appropriate. Substantive comments should be accompanied by cost estimates and operational data. All comments must be submitted by September 19, 2000.

Please address all comments to:

U.S. Dept. of Transportation Dockets
Docket No. FAA-2000-7479
400 Seventh Street, SW
Room Plaza 401
Washington, DC 20590

For additional information, please contact Ms. Linda Bruce, Airport Safety and Standards Division, at 202-267-8553 or E-mail: linda.bruce@faa.gov.